IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ petition No 3221 of 1996

Date of decision: March 26, 2007.

Prem Singh Negi

....Petitioner.

Vs.

State of Haryana and others

....Respondents.

Present: Mr. Baljinder Singh, Advocate for the petitioner.
Mr.Jitendra Chauhan, Addl. Advocate General, Haryana
for respondent-State.

JUDGMENT

M.M.Aggarwal, J.

Prem Singh Negi petitioner was working as Assistant in the Agriculture Department with Haryana State. Punishment of stoppage of two increments with cumulative effect had been imposed on him vide order dated 12.4.1983 (Annexure P-4) of Director of Agriculture, Haryana since he is stated to have submitted false medical bill of reimbursement.

However, this petition challenging that order had been filed in this Court in the year 1996.

The State had taken up objection that writ petition could be filed only within 3 years from the date of cause of action. Whereas counsel for the petitioner had relied on judgment of this Court reported in Satish Kapur and another Vs. The State of Hayana and another 1982 PLJ 109 and argued that writ petition cannot be thrown merely on the point of limitation.

Counsel for the petitioner had argued that stoppage of the

increment with cumulative effect was major penalty. It could be imposed after holding regular enquiry.

The judgment relied on by counsel for the petitioner on the point of limitation is in a land acquisition case.

On behalf of the State, it was argued that petitioner had admitted the charges. This is again controverted by counsel for the petitioner.

It may be that proper procedure has not been followed but fact remains that petitioner, himself had filed an appeal against the order of punishment dated 12.4.1983 which was rejected by the Secretary to Government, Haryana, Agriculture Department on 9.7.1984. Thereafter, for seven years petitioner appears to have kept quiet and filed some representation in the year 1991 before the Chief Minister which even might not have been maintainable. He filed this writ petition in the year 1996.

In this case, order imposing punishment has been challenged. That order was made in the year 1983. Departmental appeal had already been dismissed in the year 1984. Cause of action had arisen in the year 1983-84 itself.

The writ petition was filed after a lapse of 12 years of the cause of auction and as such, it suffers from delay and laches. I do not find any good ground to interfere.

As such, this petition is dismissed.

(M.M.Aggarwal)

March 26, 2007 **Judge**

raghav